

### **REMARKS**

Reconsideration of this application is respectfully requested. In response to the Office Action (“Action”) mailed March 10, 2006, Applicants have amended claims 20, 23, and 24. Claims 1-24 are pending.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider and withdraw all outstanding rejections.

#### **I. Rejections under 35 U.S.C. § 101**

Pages 2-3 of the Action reject claims 20, 23, and 24 under 35 U.S.C. § 101 as allegedly being directed toward non-statutory subject matter.

For claims 20, 23, and 24, the Action indicates that:

In the present case, the medium was not disclosed in the Specification to be anything tangible such as a hardware or a CD-ROM for example; merely (non-functional OR function) descriptive material that is not tangibly embodied is non-statutory.

Applicants have amended claims 20, 23, and 24 to recite a “tangible medium.” Accordingly, Applicants submit that the rejection of these claims is overcome and respectfully request that the rejection of claims 20, 23, and 24 be withdrawn.

#### **II. Rejections under 35 U.S.C. § 102**

On pages 3-5, the Action rejects claims 1-24 under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,442,557 to Buteau et al. (hereinafter “Buteau”). Applicants respectfully traverse.

A. Response to the Rejection of Claim 1

Claim 1 recites:

A system for automated generation of one or more query language statements comprising:

a syntax pattern selector module for selecting, in an automated process, a syntax pattern corresponding to a desired function provided to the syntax pattern selector module and a syntax standard for use in generating the one or more query language statements;

a statement assembly module for populating the syntax pattern in an automated process with an argument data set associated with a desired data set provided to the statement assembly module as part of the process of generating the one or more query language statements; and

whereby at least one query language statement is assembled to be run against a data source to return the desired data set.

(Emphasis added.)

Page 4 of the Action relies on FIGs. 9-10 and column 22, lines 33-40 of Buteau to reject claim 1.

Buteau indicates that “FIGS. 9 and 10 are illustrations of a screen showing the results of a query.” (See Buteau, col. 3, ll. 52-53; emphasis added). Buteau also discloses that:

The information retrieval tools by the database program such as Microsoft Access are called queries. This application program, like most others, uses an industry standard query language, called SQL (Structured Query Language), which defines the syntax and interpretation of the queries which can be used by applications to store, retrieve and manipulate data in a database system. For the purposes of this description it is assumed that that queries[, sic] are in standard SQL. A sample query is shown and the links between tables in FIG. 9. The sample query asks for all processes relating to customer data. In this example, customer data is used to bill customers and develop IR & D proposals and is used at the Lexington and McLean locations as illustrated in FIG. 10. (See Buteau, col. 22, ll. 33-45; emphasis added.)

Thus, Buteau discloses an application program using a standard query language, such as SQL, and indicates that SQL defines the syntax and interpretation of the queries to store, retrieve and manipulate data.

For at least the following three reasons, Buteau does not anticipate claim 1.

First, Buteau does not disclose “a syntax pattern selector module for selecting, in an automated process, a syntax pattern corresponding to a desired function provided to the syntax pattern

selector module” (emphasis added), as recited in claim 1. Page 4 of the Action alleges that Buteau discloses these features in “Figure No. 9 and the corresponding text, i.e., the plurality of statements in the query window” and that “the ‘select command’ is the desired function.” The Action appears to be arguing that the text in the “query window” from FIG. 9 of Buteau selects, in an automated process, a syntax pattern corresponding to a “select command” provided to the “query window.” Applicants respectfully disagree.

The cited figures and column of Buteau do not disclose the alleged features to anticipate claim 1. FIG. 9 of Buteau depicts a sample query that “asks for all processes relating to customer data.” (See Buteau, col. 22, ll. 33-45.) The “plurality of statements in the query window” cited by page 4 of the Action in FIG. 9 of Buteau “are illustrations of a screen showing the results of a query.” (See Buteau, col. 3, ll. 52-53; emphasis added.) The “plurality of statements” depicted in FIG. 9 of Buteau cited by the Action are three SQL commands: (1) a “SELECT DISTINCT” command; (2) a “FROM” command; and (3) a “WHERE” command. As is known by those skilled in the art, the “SELECT DISTINCT” command may be used to select data from a table and remove any duplicate information from the result set, the “FROM” command may be used to indicate from which tables data is to be taken and how the tables join each other, and the “WHERE” command may be used to identify which rows are to be retrieved. Hence, FIG. 9 depicts a screen showing the results of a query and various SQL commands.

Contrary to the assertion made in the Action, Buteau does not disclose that the text in the “query window” selects a syntax pattern. Buteau does not disclose the “SELECT DISTINCT,” “FROM,” or “WHERE” SQL commands selecting a syntax pattern. Rather, these commands, as discussed above, are conventional SQL commands used to identify and retrieve data from a

database. Additionally, the “query window” in FIG. 9 of Buteau displays “results of a query.” (See Buteau, col. 3, ll. 52-53; emphasis added.) Moreover, Buteau discloses that SQL “defines the syntax and interpretation of the queries” (see Buteau, col. 22, ll. 33-39; emphasis added), which indicates that the syntax of queries is defined by SQL, and is not selected by the text of the “query window.” Hence, the text of the “query window” of Buteau is not selecting a syntax pattern, contrary to the assertion made on page 4 of the Action. Thus, Buteau does not disclose “a syntax pattern selector for selecting . . . a syntax pattern,” as recited in claim 1.

Additionally, Buteau does not disclose “a syntax pattern corresponding to a desired function provided to the syntax pattern selector module.” Specifically, Buteau does not disclose that the text of the “query window” selects a syntax pattern corresponding to the “SELECT” command provided to the text of the “query window.” Rather, the “SELECT DISTINCT” command in FIG. 9 of Buteau is SQL programming code for retrieving data from a database. The cited figures and column of Buteau do not disclose *any* correspondence between a syntax pattern and a “SELECT” command provided to the text of the “query window,” contrary to the allegations on page 4 of the Action (“the ‘select’ command is the desired function”). Thus, the Action has not properly indicated that Buteau anticipates “a syntax pattern selector module for selecting, in an automated process, a syntax pattern corresponding to a desired function provided to the syntax pattern selector module” (emphasis added), as recited in claim 1.

Second, Buteau does not disclose “a syntax pattern selector module for selecting, in an automated process, . . . a syntax standard for use in generating the one or more query language statements” (emphasis added), as recited in claim 1. As discussed above, Buteau discloses that SQL defines the syntax for queries. Hence, the text of the “query window” is not selecting a

syntax standard, contrary to the allegations on page 4 of the Action. Moreover, Buteau discloses that FIG. 9 illustrates a “a screen showing the ***results*** of a query.” (see Buteau, col. 3, ll. 52-53; emphasis added.) Hence, the text of the “query window” does not select a syntax standard for use in ***generating*** query language statements since FIG. 9 of Buteau displays ***results*** of a query. Moreover, Buteau does not disclose how the SQL commands depicted in FIG. 9 are generated and also does not disclose selecting a syntax standard for ***generating*** the SQL commands depicted in FIG. 9. Thus, Buteau does not disclose “a syntax pattern selector module for ***selecting***, in an automated process, . . . ***a syntax standard*** for use in ***generating*** the one or more query language statements” (emphasis added), as recited in claim 1.

Third, Buteau does not disclose “a statement assembly module for populating the syntax pattern in an automated process with an argument data set ***associated with*** a desired data set provided to the statement assembly module as part of the process of ***generating*** the one or more query language statements” (emphasis added), as recited in claim 1. To find anticipation of these recited claim features, the Action states:

a statement assembly module for populating the syntax pattern in an automated process (Col 22, Lines 33-40) with an argument data set (Figure No. 9 and corresponding text, i.e. “where” command) associated with a desired data set (Figure No. 9 and corresponding text, i.e. “select” command) as part of the process of generating one or more query language statements (Figure No. 9 and corresponding text, i.e. “select”, “from” and “where” commands)  
(See Action, page 4; emphasis added.)

Column 22, lines 33-40 disclose that “information retrieval tools by the database program such as Microsoft Access are called queries.” Thus, the Action appears to be arguing that Buteau discloses a Microsoft Access program populating a syntax pattern in an automated process with a “where” command associated with a “select” command provided to the Microsoft Access

program as a part of generating one or more “select,” “from,” and “where” commands.

Applicants respectfully disagree.

Contrary to the assertion made in the Action, Buteau does not disclose a Microsoft Access program populating a syntax pattern in an automated process with a “where” command associated with a “select” command provided to the Microsoft Access program. FIG. 9 of Buteau illustrates results of a query, as discussed above. Buteau does not, however, discuss the computation or how the text of FIG. 9 is generated. Specifically, Buteau does not disclose that the Microsoft Access program populates a syntax pattern with *any* command based on an association with a “select” command provided to the Microsoft Access program. Buteau further does not discuss any “association” between the “where” command and the “select” command for populating a syntax pattern. Lastly, Buteau does not disclose that the Microsoft Access program populates a syntax pattern as part of the process of generating one or more the “select,” “from,” and “where” commands. The Action speculates about the processing that occurs in Buteau to generate the screen depicted in FIG. 9. Speculation, however, is not the standard for anticipation under 35 U.S.C. § 102. Thus, the Action has not properly shown that Buteau discloses “a statement assembly module for populating the syntax pattern in an automated process with an argument data set associated with a desired data set provided to the statement assembly module as part of the process of generating the one or more query language statements” (emphasis added), as recited in claim 1. Therefore, claim 1 is believed to be allowable over Buteau and allowance thereof is respectfully requested.

Claims 2-3 and 8-9, which depend from claim 1, also are in condition for allowance due to their dependence on an allowable claim.

B. Response to the Rejections of Claims 4-7 and 10-24

Independent claims 4-6, 10, 14, 16, 20, 21, 23, and 24 are believed to be in condition for allowance for reasons analogous to those given in support of claim 1.

Dependent claims 7, 11-13, 15, 17-19, and 22, which respectively depend from claims 6, 10, 16, and 21, also are in condition for allowance due to their dependence on an allowable claim.

**CONCLUSION**

In view of the foregoing amendments and remarks, it is respectfully submitted that this application is in condition for allowance. If the Examiner believes that prosecution and allowance of the application will be expedited through an interview, whether personal or telephonic, the Examiner is invited to telephone the undersigned with any suggestions leading to the favorable disposition of the application.

It is believed that no additional fees are due for filing this Response. However, the Director is hereby authorized to treat any current or future reply, requiring a petition for an extension of time for its timely submission as incorporating a petition for extension of time for the appropriate length of time. Applicants also authorize the Director to charge all required fees, fees under 37 C.F.R. §1.17, or all required extension of time fees, to the undersigned's Deposit Account No. 50-0206.

Respectfully submitted,

HUNTON & WILLIAMS LLP



Date: June 12, 2006

By: \_\_\_\_\_

Brian M. Buroker  
Registration No. 39,125

Hunton & Williams LLP  
1900 K Street, N.W., Suite 1200  
Washington, D.C. 20006-1109  
(202) 955-1500  
(202) 778-2201 (fax)